

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

SYBASE, INC.,

Plaintiff,

v.

VERTICA SYSTEMS, INC.,

Defendant.

Civil Action No. 6:08-cv-24

**DECLARATION OF STEVEN KATZ IN SUPPORT OF DEFENDANT VERTICA
SYSTEMS, INC.'S MOTION FOR SUMMARY JUDGMENT ON INDEFINITENESS**

I, Steven Katz, declare as follows:

1. I am an attorney in the Boston office of Fish & Richardson P.C. I represent Vertica Systems, Inc. in this action. I have personal knowledge of the matters set forth below, unless I specifically state otherwise. If called as a witness, I could and would testify to these matters.

2. Attached as Exhibit A to this Declaration is a true and correct copy of United States Patent No. 5,794,229.

3. Attached as Exhibit B to this Declaration is a true and correct copy of an Office Action Serial Number: 08/570,183 and dated July 18, 1997.

4. Attached as Exhibit C to this Declaration is a true and correct copy of an excerpt from the Random House Webster's College Dictionary (1995).

I declare under penalty of perjury that the foregoing is true and correct. Dated this 13th
day of October, 2009 in Boston, Massachusetts.

/s/ Steven Katz
Steven Katz, counsel for Vertica
Systems, Inc.